



AF 123

MAIL STOP APPEAL BRIEF-PATENTS  
PATENTS  
8040-1011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE  
THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Hiroshi AOKI

Appeal No.

Serial No. 09/589,511

Conf. 1281

Filed June 8, 2000

Group 2665

MOBILE RADIO SYSTEM CAPABLE OF  
RESETTING IN AN IMPROPERLY SET  
VPI/VCI

**RECEIVED**

OCT 25 2004

REPLY BRIEF

Technology Center 2600

MAY IT PLEASE YOUR HONORS:

October 21, 2004

In accordance with 37 C.F.R. §1.193(b1), Appellant responds to the Examiner's Answer of August 26, 2004 as follows:

Appellant is not in disagreement with paragraphs (1)-(9) of the Examiner's Answer.

Paragraph (10)

Appellant agrees that the application's disclosed prior art ("Disclosed Prior Art") of radio base stations, under control of a base station control apparatus, teaches the independent claims' recitations less the recited "second means for making said first means become a reset state when said first means continues to abandon said transmission message signal after a predetermined time duration" (a "Reset Means") per claim 1. See paragraph (10) of the Answer through page 4, line 11.

The Answer, page 4 line 14 et seq., states that the Disclosed Prior Art teaches manually resetting a connection when no traffic is received on the connection due to transmission errors during setup.

Appellant points out that the Disclosed Prior Art (specification page 2, first two full paragraphs and page 5, first three full paragraphs) teaches that when a mistake such as line error occurs at setup, i) message traffic being sent to a specific radio base station with an incorrect VPI/VCI will be abandoned by that specific radio base station and that the specific radio base station will indicate an error condition, ii) it is impossible to control the specific radio base station by the base station control apparatus to cure the VPI/VCI error condition, and iii) it is necessary for a person to go to the place where the specific radio base station is installed, in order to reset the specific radio base station and clear the error condition. The Disclosure Prior Art thus teaches no Reset Means other than a person going to the place where the specific radio base station is installed in order to manually reset the specific radio station.

Further, the Disclosed Prior Art teaches that messages being abandoned by the radio base station cause the error indication, and does not teach a time duration without any message traffic causing an error indication. Thus, the

Disclosed Prior Art teaches that the person acts to manually reset the radio base station responsive to the occurrence of the error indication caused by abandoning messages sent to the specific radio base station.

The Answer correctly identifies PASTERNAK column 6, lines 35-54 as the passage being relied upon as rendering obvious the recited second means (the Reset Means). At page 4, beginning with line 11, the Answer states that "Pasternak teaches, in a radio system using ATM connections, having a VCI/VPI table capable of automatic updating that contains a predetermined time duration (time stamp) which is used to time-out connections on which traffic is not received (col. 6, line 35-54)."

The Answer's paragraph 10 discussion as to independent claims 7 and 9 is similar.

Paragraph (11)

In paragraph (11) the Examiner focuses on the claim 7 recitations of the invention Reset Means, which acts subsequent to "when the transmitted VPI/VCI value is non-coincident with the individual VPI/VCI value [of the specific radio base station], the message is abandoned and an error state is indicated by the central processing unit," (claim 7). The Reset Means recitation is: "after the error

state continues [in the specific radio base station] for a predetermined time duration, the central processing unit resets the ATM data reception section to place the individual VPI/VCI value to a no-set condition."

See Answer page 11, lines 3-6, where the Answer states "while the disclosed prior art teaches a reset means utilizing a time duration, the disclosed prior art does not teach a reset means that utilizes a *predetermined* time duration." (emphasis in original).

The Examiner thus clarifies that the recitation, less the term "predetermined" is being read on the Disclosed Prior Art, i.e., the action of a person going to the place where the specific radio base station is installed, in order to manually reset the specific radio base station and clear the error condition.

The "time period" is read on the "time between the indication of an error condition and the manual reset of the base station" (Answer page 11, lines 15-16).

See also Answer page 11, lines 8-11, "Therefore, Examiner does not rely on Pasternak to teach this [Reset Means] limitation. Instead, Examiner relies on Pasternak to teach that it is obvious to have the reset means of the disclosed prior art utilize a predetermined time duration, as outlined above."

Appellant disagrees as the claim recitations do not read on the Disclosed Prior Art.

The Disclosed Prior Art teaches that i) message traffic being sent to a specific radio base station with an incorrect VPI/VCI value will be abandoned and an error condition will be indicated at that specific radio base station, and ii) it is necessary for a person to go to that specific radio base station to manually reset the specific radio base station. Put into the words of the claim 7 recitation, the Disclosed Prior Art teaches that "after indication of an error condition, send a person to the radio base station to manually reset the radio base station." The teaching is: upon an indication of an error condition, going to and manually resetting the radio base station.

Thus, in the Disclosed Prior Art, the action initiator is the indication of an error condition. In contrast, the claim 7 recitation requires the action initiator to be lapsing of a time period, i.e., "after the error state continues for a predetermined time duration...".

Therefore, the Disclosed Prior Art does not teach the first part of the disputed claim 7 recitation, even apart from the term "predetermined" as the action initiator of the Disclosed Prior Art is not that recited by the claim.

Further, the action taken in the Disclosed Prior Art is manually resetting the radio base station. Although

manually resetting the radio base station, as per the prior art, may cause the VPI/VCI value to go to a no-set condition, the desired result of resetting the VPI/VCI value to the no-set condition, itself, is not that same as action recited, i.e., "the central processing unit resets the ATM data reception section to place the individual VPI/VCI value to a no-set condition".

The claim 7 recitation requires the affirmative action of the central processing unit ("CPU") resetting the ATM data reception section to place the individual VPI/VCI value to a no-set condition. There is no teaching of the Disclosed Prior Art having the CPU acting on the ATM data reception section to reset the ATM data reception section to place the VPI/VCI value to a no-set condition.

Thus, the Disclosed Prior Art fails to teach either the claim 7 recitation concerning the action initiator (acting after an error state continuing for a time period) or the claim 7 recitation concerning the initiated action (the CPU resetting the ATM data reception section to reset the VPI/VCI value to a no-set condition). Therefore, even if PASTERNAK contributes the term "predetermined" to the teachings of the Disclosed Prior Art, the thus-modified prior art does not teach that recited by the claim.

As to PASTERNAK, in the sentence spanning pages 11-12 of the Answer, "Pasternak performs automatic updating

[of the base station control apparatus VPI/VCI table] (col. 6, lines 35-36) by erasing an identifier (reset connection) (col. 6, lines 47-49) for an expired connection (col. 6, lines 40-44) where the expiration time of a connection is the 'predetermined time'. Thus, Pasternak teaches using a predetermined time duration in order to automatically perform a reset function."

Note, however, that the "reset function" performed by PASTERNAK is at the base station control apparatus and not at any radio base station. Note also that the function performed is not that recited, i.e., PASTERNAK does not teach causing the radio base station CPU to reset the ATM data reception section to place the individual VPI/VCI value to a no-set condition.

In view of these shortcomings, the obviousness rejection fails.

#### Summary

The Examiner's argument boils down to the belief that the Disclosed Prior Art discloses "after the [radio base station] error state continues for a time duration, the central processing unit resets the ATM data reception section to place the individual VPI/VCI value to a no-set condition" and that PASTERNAK would modify the Disclosed Prior Art to teach "after the [radio base station] error

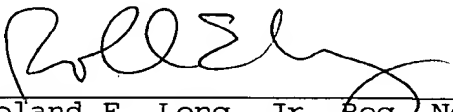
state continues for a *predetermined* time duration, the central processing unit resets the ATM data reception section to place the individual VPI/VCI value to a no-set condition" As outlined above, this belief is incorrect.

For all the reasons provided above, Appellant respectfully requests that the pending obviousness rejection be reversed.

Respectfully submitted,

YOUNG & THOMPSON

By

  
\_\_\_\_\_  
Roland E. Long, Jr. Reg. No. 41,949  
Attorney for Appellant  
745 South 23rd Street  
Arlington, VA 22202  
Telephone: 703/521-2297

October 21, 2004